

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

DTE ENERGY COMPANY, and)
DETROIT EDISON COMPANY)

Defendants.)
_____)

Civil Action No. 2:10-cv-13101-BAF-RSW

HON. BERNARD A. FRIEDMAN
MAG. JUDGE R. STEVEN WHALEN

**PLAINTIFF'S MOTION FOR LEAVE TO FILE EXHIBITS
UNDER SEAL AND WITHDRAW PRIOR MOTIONS (DOC. # 55, 56)**

Pursuant to Local Rule 5.3(b) and Paragraph 11 of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39), the United States respectfully moves for leave to file the exhibits listed below, in support of its Reply to its Motion for Preliminary Injunction (Dkt. 8, 58), under seal:

- * Exhibit 13E (DTE Energy - Monroe Unit 2 Economizer Replacement, Utility Capital Committee Review, February 2009)
- * Exhibit 13F (DTE Energy - Monroe Unit 2 Reheater Replacement, Utility Capital Committee Review, October 2009)

Plaintiff seeks to file these exhibits under seal because Defendants have claimed that the information contained within these documents is confidential under the terms of the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Dkt. 39). Defendants' consent to this motion.

In addition, Plaintiff seeks to withdraw its prior motions to file exhibits under seal and in the traditional manner as mooted by the instant motion.

For the foregoing reason, the undersigned respectfully requests that this Court (1) grant the United States leave to file the exhibits listed above under seal and (2) withdraw the motions at Docket No. 55 and 56.

Respectfully Submitted,

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Assistant Attorney General
Environment & Natural Resources Division

November 18, 2010

s/ Thomas A. Benson
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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2010, the foregoing motion was filed via the ECF system and was served upon counsel of record via the ECF system.

s/ Thomas A. Benson

THOMAS A. BENSON, Trial Attorney